

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

16 CR. 200 (AKH)

5 GUSTAV KALOSZEWSKI,

6 Defendnt.

7 -----x
8 New York, N.Y.
9 March 23, 2016
11:15 a.m.

10 Before:

11 HON. ALVIN K. HELLERSTEIN,

12 District Judge

13
14 APPEARANCES

15 PREET BHARARA

16 United States Attorney for the
17 Southern District of New York

GINA CASTELLANO

17 JONATHAN ABERNETHY

Assistant United States Attorney

18 PATRICK JOYCE

19 Attorney for Defendant

20 NICOLE WAKNINE

21 Attorney for Defendant
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1 (Case called)

2 THE COURT: So we have Gina Castellano for the
3 government.

4 MS. CASTELLANO: Yes, your Honor.

5 THE COURT: And Patrick Joyce and Nicole?

6 MS. WAKNINE: Waknine for the defendant.

7 THE COURT: And Mr. Kaloszewski.

8 THE DEFENDANT: Did you say Kaloszewski, the European
9 pronunciation?

10 THE COURT: What do you like?

11 THE DEFENDANT: Kaloszewski.

12 THE COURT: You got it.

13 Where are we at, Ms. Castellano?

14 MS. CASTELLANO: I'd ask for two more weeks to
15 complete discovery, and I believe the parties would like to
16 come back on April 19.

17 THE COURT: Tell me a little bit about what the case
18 is about.

19 MS. CASTELLANO: Sure, your Honor. The defendant is
20 charged with conspiracy to commit firearms trafficking,
21 substantive firearms trafficking, as well as interstate
22 transportation of firearms.

23 THE COURT: What's the proof?

24 MS. CASTELLANO: Sure. Law enforcement conducted two
25 controlled purchases of firearms here in New York.

1 THE COURT: What were the firearms?

2 MS. CASTELLANO: There are approximately 13 firearms.

3 THE COURT: What was the nature of the firearms?

4 MS. CASTELLANO: One second, your Honor. A

5 semiautomatic AR-15 rifle, .30 caliber semiautomatic rifle --

6 THE COURT: Serious stuff?

7 MS. CASTELLANO: Yes, your Honor. What they refer to
8 as drum-style magazines, very large magazines.

9 THE COURT: Drug style?

10 MS. CASTELLANO: Drum. The proof also includes, as I
11 mentioned, a number of recorded phone calls to Mr. Kaloszewski
12 discussing the firearm sales.

13 THE COURT: Where were these things done?

14 MS. CASTELLANO: Mr. Kaloszewski was in Florida at the
15 time of the phone calls. And, at the time of his arrest, he
16 was working with coconspirators who were selling the firearms
17 here.

18 THE COURT: Here in New York?

19 MS. CASTELLANO: In New York.

20 THE COURT: In the Southern District?

21 MS. CASTELLANO: In the Southern District and
22 splitting the proceeds with Mr. Kaloszewski. And there was
23 also prerecorded buy money that was the alleged proof.

24 THE COURT: How much time do you need, Mr. Joyce?

25 MR. JOYCE: Judge, I believe the discovery is going to

1 be completed in two weeks. I'd ask that we come back on
2 April 19 so I can report to the Court, what, if any, motions
3 we'll be filing.

4 THE COURT: So we'll have the next session on April 19
5 at 11:30. Mr. Joyce, I'll expect at that time if you have any
6 motions, you'll declare them and set a briefing schedule with
7 me and the government. Otherwise, your motions will be waived.

8 MR. JOYCE: Fine. I'll be ready on that day,
9 your Honor.

10 THE COURT: Does the government have a motion?

11 MS. CASTELLANO: Yes, your Honor. To exclude time
12 until the 19th to allow the defense to begin to review
13 discovery and for preparation of motions.

14 THE COURT: Without objection?

15 MR. JOYCE: No objection.

16 THE COURT: Without objection. So ordered.

17 MR. JOYCE: Thank you.

18 THE COURT: Thank you.

19 (Adjourned)
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